

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

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|--|---|--|
| <b>DARNELL SLAUGHTER, #820164,</b>       | § |  |
|  | § |  |
| Plaintiff,                               | § |  |
| v.                                       | § | Civil Action No. <b>3:07-CV-0416-L</b> |
|  | § |  |
| <b>VA MEDICAL CENTER POLICE, et al.,</b> | § |  |
|  | § |  |
| Defendants.                              | § |  |

**ORDER**

Before the court is Slaughter's Civil Rights Complaint, filed March 2, 2007. Pursuant to Special Order 3-251, the complaint was referred to United States Magistrate Judge Wm. F. Sanderson. On October 30, 2008, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") was filed. Plaintiff filed objections to the Report on November 12, 2008.

This is civil rights action filed pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). Plaintiff complains of false arrest and excessive force. On October 22, 2007, the court dismissed Plaintiff's false arrest claim and recommitted the excessive force claim to the magistrate judge. In his Report, the magistrate judge found that the court lacks jurisdiction over Plaintiff's *Bivens* claim against the VA Medical Center Police because of sovereign immunity.\* He also found that Plaintiff fails to state a claim against Defendants Captain Nagid and Captain Davis because they were not personally involved in, and did not acquiesce or participate in, the allegedly unconstitutional conduct. The magistrate judge further

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\*The court notes that The Office of Security and Law Enforcement is responsible for the police programs for the Veterans Affairs Medical Centers.

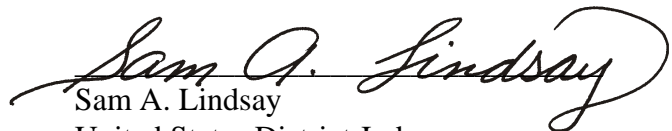
found that Plaintiff fails to state a claim against Defendant John Doe because the time has expired by which Plaintiff could have substituted a named defendant for the John Doe defendant.

Plaintiff states that he objects to the magistrate judge's findings of fact, conclusions, and recommendation. Written objections to a magistrate judge's Report must be made with sufficient specificity so as to reasonably alert the district court of the ground for the objection. 28 U.S.C.A. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Conclusive or general objections to a magistrate judge's Report and recommendation need not be considered by the district court. Therefore, the court **overrules** Plaintiff's objection.

Having reviewed the complaint, file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. Accordingly, the court **dismisses without prejudice** the action against Defendant VA Medical Center Police and **dismisses with prejudice** the action against Defendants Captain Nagid, Captain Davis, and John Doe.

Plaintiff also requests to propound an interrogatory to ascertain the identity of Defendant John Doe and to amend his complaint. For reasons stated in the Report, the court **denies** Plaintiff's requests.

**It is so ordered** this 20th day of November, 2008.

  
Sam A. Lindsay  
United States District Judge